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Practitioner's Docket No. 100444.0018US1

DEC 21 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William M. Forti, William B. Forti and David M. Turchik

Application No.: 10/840,032

Group No.: 3425

Filed: May 5, 2004

Examiner: Miller, Bena B.

For: Wiggle Flyer

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed September 26, 2005, for a second time rejecting claims 1-16.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on May 5, 2004.

12/22/2005 MBINAS 00000036 502191 10840032
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CERTIFICATION UNDER 37 C.F.R. § 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being

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37 C.F.R. § 1.8(a)

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is as "Express Mail Post Office to Addressee"

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TRANSMISSION

is facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date

12/21/05

Signature

Sara Greer

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(d). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.0(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Small entity \$250.00

Notice of Appeal fee due \$250.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$250.00

TOTAL FEE DUE \$250.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$250.00 to Deposit Account No. 502191.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

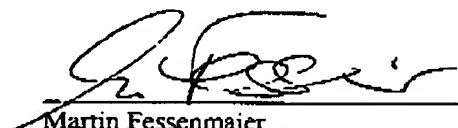
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 502191.

Date:

12/21/05


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